

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NEBRASKA

CHEEMA INVESTMENTS, LLC,

Plaintiff,

vs.

TAMKO BUILDING PRODUCTS, INC., a  
Missouri corporation;

Defendant.

**4:14CV3067**

**MEMORANDUM AND ORDER**

The plaintiff previously filed a lawsuit against the defendant in state court on January 7, 2014. The prior action was removed to this court on January 31, 2014, ([Cheema Investments, LLC v. Tamko Building Products, Inc., 4:14-cv-03029-RGK-CRZ](#)), and within five days, the plaintiff filed a voluntary dismissal. (4:14-cv-03029, filing no. [5](#)). The case was dismissed.

The plaintiff re-filed its case against the defendant in state court on February 14, 2014. (Filing No. [1-2](#)). The plaintiff's second case alleges the same underlying facts and theories as the first. And like the first litigation, it was removed to this forum, becoming the above-captioned action on March 28, 2014. (Filing No. [1](#)). On that date, the clerk entered a text notice instructing the plaintiff to file a corporate disclosure statement within 15 days. The plaintiff did not comply.

The defendant filed a motion to dismiss on April 1, 2014. (Filing No. [5](#)). To date, the plaintiff has not responded to the motion.

The plaintiff filed a motion for remand on April 1, 2014. (Filing No. [7](#)). The defendant responded on April 18, 2014, pointing out discrepancies in the plaintiff's factual submissions. (Filing No. [9](#)). The plaintiff filed no reply.

On May 9, 2014, the court entered an order requiring the plaintiff to file its corporate disclosure statement on or before May 19, 2014. (Filing No. [10](#)). The plaintiff has not complied with this order.

Based on the foregoing, it appears the plaintiff has abandoned this case. In the alternative, the plaintiff voluntarily dismissed the first case, and is violating a court order for disclosure of citizenship in this second case, to avoid litigation in a federal forum. As such, this case is subject to dismissal with prejudice, either for want of prosecution or as a sanction for violating the rules and orders of this court, and for its dilatory, obstructive, and manipulative litigation tactics to avoid this court's exercise of federal jurisdiction.

Accordingly,

IT IS ORDERED that Plaintiff is given until June 6, 2014 to show cause why the plaintiff's claims should not be dismissed, in the absence of which the court will enter a judgment of dismissal with prejudice without further notice.

May 23, 2014.

BY THE COURT:

s/ Cheryl R. Zwart  
United States Magistrate Judge